



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Antonius L. F. PETERS

Serial No.: 10/088,343

Filed: March 15, 2002

For: METHOD AND APPARATUS
FOR TREATING GOODS

Atty. Docket No.: 000771.00031

Confirmation No.: 9268

Examiner: SOOHOO, Tony Glen

Art Unit: 1723

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action of February 10, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-20 remain pending.

Claim 1 is directed to a method for treating products wherein the products are placed in a container, are subsequently subjected to impacts through movements of the container and are finally taken out of the container, and wherein the products in the container collide with a substantially flat surface, characterized in that the container executes a reciprocating movement extending over only a part of a revolution of the container. Attention is drawn to figure 1 which shows the reciprocating motion of the container. Note the container does not make a full revolution.

Claim 5 is directed to a device for treating products, comprising a container which is movable on a substantially horizontal rotation axis, at least two substantially flat collision surfaces which are arranged in the container such that when the recurring movement of the container is executed, the products placed in the container repeatedly strike at least one collision surface, and a drive device to cause the container to execute a recurring movement, characterized in that two collision surfaces are arranged in the container which are placed symmetrically relative to the axis of rotation, that the container is opened on its upper side, and that the drive device is adapted to cause the container to repeatedly execute a part of a revolving reciprocating movement with extreme position at each end of the reciprocating movement.

Claims 1, 3, 5-8, 10-13, and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Mohlmann (DE 2807059).

Mohlmann discloses a device for treating salted meat. The meat is placed in a number of trays ("Aufnahmebehalter 12") that can be guided into a drum ("Trommel 10"). See Fig. 1. A drive mechanism ("Antrieb 17") rotatably drives the drum so as to massage ("das Fleisch [wird] massiert", page 12, line 11) the meat. Note the direction of the arrow on Fig. 2 indicating the rotation of the drum. Mohlmann does not teach or suggest having the meat undergo a reciprocating movement over only a part of the container or a container where the products placed in the container repeatedly strike at least one collision surface, or a drive device to cause the container to execute a recurring movement.

The method and device of the instant claims tenderizes meat by forcing the meat into colliding with a flat surface. This is achieved through a reciprocating movement of the container. The device disclosed in Mohlmann wherein meat is rotated could not achieve the effect of the instant claims. Withdrawal of the instant rejection is requested.

Claims 1, 3, 5-8, 10, 11, 12-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Barth AG (FR 2285786).

Barth discloses a device for treating meat products ("charcuterie") in a rotatable drum ("tambour rotatif 3"). The drum has a hexagonal cross section ("une section hexagonale") and smooth inner surfaces ("surfaces internes lisses"). In a lateral wall of the rotatable drum, an opening ("ouverture") that can be closed by a shutter ("volet 21") is provided for filling the drum with meat products and removing the meat products after the rotation process. Like Mohlmann, Barth does not teach or suggest having the meat undergo a reciprocating movement over only a part of the container or a container where the products placed in the container repeatedly strike at least one collision surface, or a drive device to cause the container to execute a recurring movement. Withdrawal of the instant rejection is requested.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Solich (EP 0459974).

Solich discloses a device for treating meat with a rotatable container. The meat is arranged in the container and the container is rotated with several revolutions per second. Solich

Appln. No.: 10/088,343
Response dated July 22, 2004
Reply to Office Action of February 10, 2004

does not teach or suggest having the meat undergo a reciprocating movement over only a part of the container. Withdrawal of this rejection is requested.

Claims 1 and 4-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Stork Protecon B.V. (EP 0434171).

Stork discloses a holder wherein meat pieces V are arranged form-fittingly in a holder 1 (column 5, lines 27-28). The holder 1 is loaded into an airtight envelope 12 and a sub-atmospheric pressure is developed in the holder 1. The meat is agitated by agitating means. In one embodiment, a motor 27 causes a frame 20 inside the airtight envelope 12 with the holder to rotate. The meat is agitated such that "the meat pieces will perform the desired pressure variation on each other without there being any massaging involved" (column 1 lines 43-45).

Stark does not teach or suggest collision of products in the container with a substantially flat surface thereof, or a reciprocating movement of the container extending over only a part of a revolution. The instant claims, on the other hand, relate to treating products by subjecting the products to recurring impacts on a flat surface by a reciprocating movement of the container extending over only a part of a revolution. Withdrawal of the instant rejection is requested.

CONCLUSION

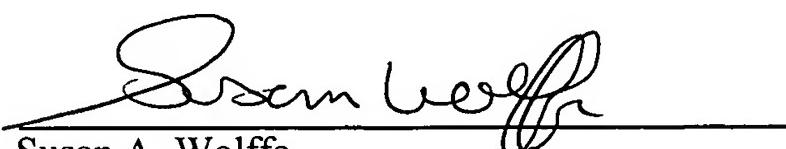
In view of the above remarks, withdrawal of the rejection and issuance of a Notice of Allowance is requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: July 22, 2004

By:



Susan A. Wolffe
Registration No. 33,568

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001